

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2653 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO
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CHAUHAN MADHUBHAI DAHYABHAI

Versus

STATE OF GUJARAT

Appearance:

MR KS JHAVERI for Petitioners
MS MANISHA LAVKUMAR for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 16/06/2000

ORAL JUDGEMENT

#. Mr.Jhaveri submits that this matter is squarely covered by decision of this court in special civil application No.4053 of 1984 and cognate matters decided on 23rd June 1999 (Coram: M.S.Shah, J.).

#. Ms. Manisha Lavkumar, AGP appearing for respondents does not dispute this contention made by learned counsel for the petitioner after going through and perusing the judgment aforesaid. She states that the respondents have no objection in case same relief which has been granted by this court to the petitioner in the aforesaid special civil application is granted to the petitioner in this case.

#. I find from the proceedings of this case that on 24.11.88, this writ petition was admitted and it was ordered to be heard along with special civil application No.5025 of 1986. It is to be mentioned that special civil application No.5025 of 1986 has been decided by this court along with special civil application No.4253 of 1984 and other cognate matters.

#. In the result, this special civil application succeeds in part. The Government Resolutions dated 20.11.1984 and 30.6.1986 providing for discontinuing the services of the Pracharaks are held to be arbitrary and violative of the provisions of Articles 14 and 16 of the Constitution. So also the Government Resolutions dated 3.5.1995, 19.10.1996, 3.1.1997, 22.1.1997 and 3.3.1997 in so far as they contain the decision to abolish the schemes of Pracharaks belonging to SEBC communities and Bhangi community are declared as arbitrary and violative of Article 14 of the Constitution. This declaration, however, does not amount to automatic revival of the vacant posts which were abolished by the aforesaid Government Resolutions nor does it preclude the Government from reviving such vacant posts. It is further directed that the respondents shall pay the petitioners and all other Pracharaks who have continued as Pracharaks, by virtue of the interim orders passed by this court or otherwise, the honorarium at the same rates at which remuneration was fixed for Pracharaks employed by the voluntary agencies with effect from 1.1.1985 onwards or with effect from the date of appointment of individual petitioner/s, whichever is later. This direction shall be complied with within four months from the date of receipt of the writ of this court or a certified copy of this judgment, whichever is earlier. It is further directed that while making any recruitment in future to class-III posts in service of the State Government (whether civil service or Panchayat service), the Pracharaks who have continued in service and who possess the educational qualifications for such posts shall be given first preference in view of their experience as Pracharaks for the last more than 10 years and that the Government shall also relax the upper age

limit for recruitment to such posts, if the Pracharaks were within the age limit at the time of initial appointment as Pracharaks. Rule is made absolute to the above extent with no order as to costs.

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(sunil)